

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OPERATING ENGINEERS' LOCAL 324  
FRINGE BENEFIT FUNDS and  
TRUSTEES OF THE OPERATING  
ENGINEERS' LOCAL 324 FRINGE  
BENEFIT FUNDS,

Case No. 13-cv-13033

HONORABLE STEPHEN J. MURPHY, III

Plaintiffs,

v.

TESTA CORP. and STEVEN D. TESTA,

Defendants.

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**ORDER ADOPTING  
REPORT AND RECOMMENDATION  
(document no.10) AND REFERRING TO MAGISTRATE  
JUDGE FOR HEARING TO DETERMINE THE AMOUNT OF DAMAGES**

On July 16, 2013, Plaintiffs filed their complaint, alleging claims for damages and injunctive relief against Defendants, a corporation and a citizen of Massachusetts, for violating its collective bargaining agreement by not making certain contributions to the Plaintiff fund. After Plaintiffs made a request for clerk's entry of default, the clerk of the Court made an entry of default as to defendant Testa Corp. on October 8, 2013. Clerk's Entry of Default, ECF No. 7. Plaintiffs then made an application for default judgment against Testa Corp., requesting that the Court enter a default judgment ordering Testa Corp., its successors, or alter egos, to produce records, make its required contributions to plaintiffs, and pay various damages, attorneys' fees and costs, and interest. Application for Default J. against Testa Corp., ECF No. 8. On October 17, 2013, this Court referred the application to the magistrate judge.

On November 18, 2013, the magistrate judge issued a Report and Recommendation in which he recommended that the Court enter a default judgment against Testa Corp. as to liability and that the Court conduct a hearing pursuant to Fed. R. Civ. P. 55(b)(2) to determine the amount of damages. The Court reviewed the magistrate judge's well-reasoned analysis, will adopt the Report and Recommendation, and will enter a default judgment against Testa Corp. Furthermore, the Court agrees that a hearing is warranted pursuant to Fed. R. Civ. P. 55(b)(2) to determine the amount of the damages owed to plaintiff. Accordingly, the Court will refer the matter to the magistrate judge to conduct such a hearing and make a Report and Recommendation regarding the appropriate judgment.

**WHEREFORE**, it is hereby **ORDERED** that the Report and Recommendation (document no. 10) is **ADOPTED** and a **DEFAULT JUDGMENT** will be entered against Testa Corp.

**IT IS FURTHER ORDERED** that the Court will **REFER** the matter to the magistrate judge for a hearing and a report and recommendation to determine the amount of damages.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: November 26, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 26, 2013, by electronic and/or ordinary mail.

s/Carol Cohron  
Case Manager